

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, OCTOBER 23, 2017**

The City Council of the City of New Braunfels, Texas, convened in Regular Session on October 23, 2017, at 6:00 p.m.

City Councilmembers present were:

Present: 6 - Mayor Barron Casteel, Councilmember George Green, Councilmember Justin Meadows, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 1 - Councilmember Ron Reaves

City Staff present were: City Manager Robert Camreno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, Public Works Director Greg Malatek, Planning and Community Development Director Chris Looney, Senior Planner Holly Mullins, and City Engineer Garry Ford.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:04 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel proclaimed the week of October 22, 2017, as Family Promise Week.

Mayor Casteel proclaimed October 23 through October 31, 2017, as Red Ribbon Week.

Mayor Casteel recognized November 3 through November 12, 2017, as Wurstfest.

PRESENTATIONS:

A) Wurstfest

Wurstfest Association President Dan Krueger and Grosse Opa Rusty Brockman presented information regarding the 2017 Wurstfest.

B) Presentation and possible action regarding the FY 2018 Street Improvement Plan.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

No action was taken.

- C) Presentation and possible direction to staff regarding the Alamo Area Metropolitan Planning Organization's Surface Transportation Program, Metropolitan Mobility call for projects for the FY 2019-2022 Transportation Improvement Program.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Chris Willis spoke on the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of October 9, 2017.

Mayor Casteel read the aforementioned caption.

Councilmember Monceballez moved to approve the item. Councilmember Green seconded the motion which passed unanimously.

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

Mayor Casteel read the aforementioned caption.

Kristine Morales, Sherrie Barbee, Terri Downey, and Sara Ward talked about a possible convenience store/gas station near the corner of Klein Road and Legend Pond.

Wayne Rudolph spoke about the redevelopment of South Castell

Avenue.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval to authorize the City Manager to enter into an interlocal agreement between the City and Comal County for the use of a portion of the property located at 2940 South IH 35 to accommodate a construction staging area for the Comal County Jail construction project.
- B) Approval to authorize the City Manager to execute a contract with the Greater New Braunfels Chamber of Commerce for marketing and advertising services through the 2017-18 Marketing Program for the Sustainable Tourism and Environmental Stewardship Program for a contract expenditure of up to \$86,800.
- C) Approval of annual recurring expenditures for FY 2017-18 in accordance with City Charter Section 9.17.
- D) Approval to authorize the City Manager to execute a requested license agreement between Ronald B. Snider & Darrell Sollberger and the City of New Braunfels for sidewalk vault lights in the right-of-way adjacent to property addressed at 142 and 148 W. San Antonio Street.
- E) Approval of an annual contract with JR Ramon & Sons, Inc. for demolition services for City-designated structures on an as-needed basis.
- F) Approval of an Encroachment Agreement with Enterprise Texas Pipeline LLC for work within their utility easement adjacent to their natural gas transmission lines as required to accommodate the Alves Lane Improvements Project.
- G) Approval of acquisition funds for purchasing Right of Way from New Leaf Homes, LLC, Parcel 33-1 on the Klein Road Improvements Project.

- H) Approval of budget transfers in the FY 2016-17 General Fund and Golf Fund.
- I) Approval to renew and amend the Interlocal Agreement with the Alamo Area Council of Governments (AACOG) for demand response transit services, authorizing the City Manager to execute all contract documents associated with this agreement, and approval of an expenditure in the amount of \$395,854.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- J) Approval of the first reading of an ordinance amending Chapter 126 of the Code of Ordinances by creating Section 126-356, prohibiting parking in spaces and areas located on private property, designated for exclusive use by vehicles that display proper placard or license plates and are used for transporting persons with disabilities, and authorizing towing enforcement.
- K) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 122-Taxation, Article II-Hotel Occupancy Tax Sections 122-26 and 122-29 to eliminate quarterly filing and to change the payment remittance date to the 20th of the subsequent month; amending section 122-31 to clarify that penalties will be assessed if hotel occupancy tax has been delinquent for at least one complete municipal fiscal quarter.
- L) Approval of the second and final reading of an ordinance regarding proposed amendments to the Code of Ordinances, Chapter 144, Zoning, amending Section 5.10, Temporary Uses to include Special Events, amending Sec. 1.3 Definitions to include a definition, and deleting Sec. 5.23-18.
- M) Approval of the second and final reading of an ordinance regarding proposed amendments to the Code of Ordinances, Chapter 144, Zoning, regarding definitions, development/use standards and the zoning districts in which crematoriums may be allowed.
- O) Approval of the second and final reading of an ordinance regarding proposed amendments to the Code of Ordinances, Chapter 144, Zoning, amending: Section 2.2, Zoning Board of Adjustment (ZBA); Section 5.1, Parking, Loading, Stacking and Vehicular Circulation;

and, Section 7.1, Fee Schedule.

- P) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 6.44 acres, Lot 3, Richter Estates Subdivision, addressed at 2136 IH-35 North, from “APD” Agricultural/Pre-Development and “C-3” Commercial Districts to “C-1B” General Business District.
- Q) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area I.
- R) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking in the bike lane on Industrial Drive.

Mayor Casteel read the aforementioned captions from the Consent Agenda, except items N and S, which were pulled for further discussion.

Councilmember Green moved to approve the Consent Agenda, except items 3N and 3S. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- N) Approval of the second and final reading of an ordinance regarding proposed amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-8, pertaining to the minimum rear setback in the “C-2” Central Business District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Mayor Pro Tem Peters moved to postpone the item so notifications could be sent out. Councilmember Garcia seconded the motion, which failed 1-5, with Mayor Pro Tem Peters voting in favor.

A motion was made by Councilmember Green, seconded by Councilmember Meadows, that this item be approved. The motion passed 5-1 via roll call vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Monceballez, and Councilmember García

Opposed:

Mayor Pro Tem Peters

- S) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking in the bike lanes on a portion of Oak Run Parkway.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Meadows, that this item be approved. The motion passed 5-1 via roll call vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Monceballez, and Mayor Pro Tem Peters

Opposed:

Councilmember García

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider a sidewalk waiver to allow an alternate pedestrian access plan for the residential collector street for the proposed Chapel Creek Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Meadows moved to approve the item. Councilmember Monceballez seconded the motion which passed unanimously.

- B) Discuss and consider the appointment of members to the Bond Advisory Committee, with possible revisions to the composition of the Bond Advisory Committee.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mayor Pro Tem Peters moved to increase the size of the committee by two members to include a member of the Commissioners' Courts of Comal and Guadalupe Counties. Councilmember Meadows seconded the motion which passed unanimously.

Mayor Pro Tem Peters moved to appoint members to the Bond Advisory Committee. Councilmember Garcia seconded the motion which passed unanimously.

Membership of the committee at this time is:

Ray Still, Wes Studdard, Teresa Hendon, Garry Montgomery, Larry Hammonds, Jan Morton, Bob Gray, Brandon Dietert, Shane Hines, Amy Stone, Stuart Hansmann, Atanacio Campos, John Mathis, Cory Elrod, Stephen Hanz, and Dee Buck. More appointments will be made on November 13, 2017.

- C) Discuss and consider approval of a joint contract between the City of New Braunfels and New Braunfels Utilities with Capital Excavation for construction on Alves Lane.**

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

- D) Discuss and consider approval of the second and final reading of an ordinance amending Section 126-186 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic on Oakwood Boulevard.**

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

A motion was made by Councilmember Monceballez, seconded by Councilmember Meadows, that this item be approved. The motion passed via rollcall vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, and Councilmember Monceballez

Opposed:

Mayor Pro Tem Peters, and Councilmember García

- E) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 2.937 acres out of the Sarah Dewitt Survey, Abstract 103, Guadalupe County, Texas, located at the southwest intersection of Klein Road and Klein Meadows from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Jerry Feagans, applicant, withdrew the application.

No action was taken.

- F) Public hearing and first reading of an ordinance rezoning approximately 12,501 square feet, Lot 7, Block 2, Pecan Valley Estates, Comal County, Texas, addressed at 1005 Mission Drive, to apply a Special Use Permit for the creation of two duplex lots in the "C-1" Local Business District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Joseph Redding spoke during the public hearing.

No motion was made. The item died due to lack of a motion.

- G) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards masonry and articulation requirements for a residential building currently under construction and proposed to be utilized for commercial use addressed at 210 W. Mill Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Garcia moved to approve the item. Councilmember Meadows seconded the motion which passed 5-1, with Councilmember Green voting opposed.

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager in accordance with Section 551.074 of the Texas Government Code.
- B) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
 - acquisition of land for city facilities

Mayor Casteel read the aforementioned captions.

The City Council recessed into Executive Session from 8:52 p.m. - 10:07 p.m.

No vote or action was taken.

6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

City Council reconvened into Open Session at 10:07 p.m.

No vote or action was taken.

This City Council meeting adjourned at 10:08 p.m.

Date Approved: November 13, 2017

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary